

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clarence B. Jenkins, Jr.,)	
)	
Plaintiff,)	
)	C/A No.: 3:14-4817-TLW
vs.)	
)	
SC Department of Employment Workforce;)	
SC Budget and Control Board; Office of)	
South Carolina Governor,)	
)	
Defendants.)	
)	

ORDER

Pro se Plaintiff Clarence B. Jenkins, Jr. filed this action on December 22, 2014, alleging defamation claims against the defendants. Doc. #1. This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on January 28, 2015, by Magistrate Judge Paige J. Gossett, Doc. #13, to whom this case was previously assigned. In the Report, the Magistrate Judge recommends that Plaintiff’s Complaint be summarily dismissed without prejudice and without issuance and service of process. *Id.* Objections to the Report were due by February 17, 2015; Plaintiff filed untimely objections to the Report on March 30, 2015. Doc. #16. Also pending before the Court is Plaintiff’s Motion to for Preliminary Injunction. Doc. #15.

The Court has reviewed the Report and the objections. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of

those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, *de novo*, the Report and the objections. As the Magistrate Judge notes, this Court lacks jurisdiction of this matter. Thus, after careful review of the Report and objections thereto, the Court hereby **ACCEPTS** the Report. Doc. #29. The Plaintiff's objections, Doc. #31, are **OVERRULED**.¹ The Plaintiff's Complaint is **DISMISSED** without prejudice and without issuance and service of process.

The Court has also reviewed the Defendant's Motion for Preliminary Injunction. Doc. #15. Based on the Court's ruling that it lacks jurisdiction to hear this matter, the Motion for Preliminary Injunction is terminated.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

April 17, 2015
Columbia, South Carolina

¹ The Court again notes that the objections were untimely; however, the Court has reviewed the objections and finds they are without merit.